

GOVERNMENT OF TELANGANA
ABSTRACT

REVENUE DEPARTMENT – Prohibition & Excise – The Telangana Micro Brewery Rules 2015 – Notification – Issued.

REVENUE (EX.II) DEPARTMENT

G.O.Ms.No.151.

Dated 28.8.2015

Read the following:

1. The Andhra Pradesh Excise Act, 1968 (Andhra Pradesh Act 17 of 1968)
2. From the CPE, TS, Hyd., Letter Cr.No.1916/2014/CPE/G1, dt.15.12.2014

* * *

ORDER :

The following notification will be published in an Extra-ordinary issue of the Telangana Gazette dated 31-8-2015.

NOTIFICATION

In exercise of the powers conferred by section 72 read with sections 17, 28 and 29 of the Andhra Pradesh Excise Act, 1968 (Andhra Pradesh Act 17 of 1968) the Governor of Telangana hereby makes the following rules.

1. Short title, extent and commencement:-

- (1) These rules may be called the Telangana Microbrewery Rules, 2015.
- (2) They shall extend to whole of the State of Telangana.
- (3) They shall come into force at once.

2. Application:-

These rules shall apply for the grant of Licence for establishment and functioning of Microbreweries and conditions governing thereof.

3. Definitions:-

- (1) In these rules, unless the context, otherwise requires:-
 - (a) "Act" means the Andhra Pradesh Excise Act 1968,
 - (b) "Bar" means the privilege granted under this Act to an establishment where food is served, for sale of Indian Made Foreign Liquor and Foreign Liquor, in loose for consumption on the licensed premises.
 - (c) "Beer" includes ale, stout, porter and all other fermented liquors usually made from malt.
 - (d) Draught Beer: means Bulk Beer (filtered and carbonized and ready for bottling) drawn from a Vat /Barrel/Cask or any other vessel before pasteurization is called Draught Beer.
 - (e) "Dry day" means a day on which no liquor shall be served in the licensed premises;
 - (f) "Form" means a form appended to these rules,
 - (g) "Highway" means a national Highway or a State Highway but shall not include the part of the National Highway or State Highway which passes within the limits of a Municipal corporation, Municipal council or the Gouthan in any village or Panchayat area;

- (h) "Licence" means licence granted under these rules;
 - (i) "Licensee" means holder of such licence;
 - (j) "License Fee" means annual license fee as shown in the schedule appended to these rules and includes proportionate licence fee.
 - (k) "Licence period" means a period of 12 months beginning from the 1st October of the year and ending with 30th of September of the succeeding year or part thereof.
 - (l) "Microbrewery" means a small brewery with an installed capacity of not more than one thousand liters per day in a place having built-up area with spacious dining hall and parking facility, where Draught Beer is manufactured and the same is served to their customers for consumption within the premises.
 - (m) "Population" means the figure of population as officially published in the latest census.
 - (n) "Permit" means permit issued under these rules.
 - (o) "Standalone Microbrewery" means a small brewery where draught beer is manufactured and served exclusively.
- (2) The words and expressions used but not defined in these rules shall have the meanings assigned to them in the Andhra Pradesh Excise Act, 1968.

4. Licence:-

A licence in Form-MB-2B, may be granted to an establishment licensed by the local authority to serve food such as a Hotel or a Restaurant or having 2B/TD1/TD2 licenses for the sale of Indian Made Foreign liquor and foreign liquor in glasses or pegs for consumption within the licensed premises but not for sale of Indian Made Foreign liquor and foreign liquor for removing it out of the licensed premises.

Such licence may be granted in the establishment functioning in GHMC municipalities and within a belt area of 5 kms of the periphery of such municipal corporations and in Tourism Centers (except places of religious tourism) as notified by the Department of Tourism of the State Government or Central Government.

5. Application for licence:-

- (1) A person intending to establish a Microbrewery may submit an application in Form – MB-1A to the Commissioner of Prohibition & Excise enclosing a challan of Rs.5,000/- and No objection certificate from local body competent to issue to get prior clearance.
- (2) The Commissioner having due regard to requirement and other factors as he deems fit, may grant prior clearance in Form – MB-2A to such of the applicants covered under sub-rule (1).

Provided that, the grant of prior clearance shall not confer any right on the applicant for grant of licence in Form- MB-2B. The holder shall not claim any compensation or loss in case licence in Form MB-2B is not granted.
- (3) The holder of prior clearance in Form MB- 2A shall erect the equipment and obtain licence within 90 days, failing which the prior clearance will expire and money paid vide sub rule (1) above shall be forfeited.

- (4) As soon as the equipment is installed the holder of prior clearance shall submit an application in Form – MB-2A for grant of licence in respect of Microbrewery to the Commissioner along with challan towards licence fee.
- (5) The Commissioner of Prohibition & Excise, after making such enquiry as he may think necessary, to ascertain the bonafides of the applicant and verifying the particulars furnished in the application should examine the suitability of the premises for granting Microbrewery.
- (6) The Commissioner of Prohibition and Excise may grant the licence after causing such enquiry as he may deem fit.
- (7) The applicant before issue of the licence shall execute a counter-part agreement In Form-6MB, on the stamp paper of requisite value as per provisions of the Indian Stamp Act, 1899.

6. Restrictions on the grant of Licence:-

- 1) A licence in Form- 2MB shall not be granted,
 - (i) Unless the premises has:-
 - (a) a minimum plinth area of 1000 Sq. meters. Out of which minimum 100 Sq. meters for serving area and minimum 100 Sq. Meters for restaurant and minimum 300 Sq. Meters for plant.
 - (b) a separate Restaurant within the licensed premises for consumption.
 - (c) Sanitary equipment like wash basin, water closet.
 - (d) Facility for cooking and serving complete meals of good quality to the consumers as licensed by local authority.
 - (e) Air conditioning or Air cooling facility where draught beer is consumed.
 - (f) A minimum of 200 Sq mts shall be provided for parking.
 - (ii) Within 100 meters from educational institution recognized by the Government, places for public worship such as Temples registered by the Endowments Department, Mosques registered with the Wakf Board, Churches and Hospitals.
 Provided that in the limits of Municipal Corporations and within the belt area of 5 Kms of the periphery of Municipal Corporations, the distance restriction mentioned above shall be 50 meters.
 - (iii) Within 500 meters of predominantly residential area but licenses may however be sanctioned if the proposed premises is located on a main road used for shopping purposes.
 Provided that the restrictions in clauses (i) to (iii) shall not be applicable to Star Hotels (3 Star and above) certified by the Tourism Department of the State or Central Government.
 - (iv) within 50 meters of a Highway
 - (v) Unless the applicant produces the permission or the no objection certificate from the local authority concerned for sale of draught beer at the premises by the applicant.

- (vi) Unless the applicant produces the lease deed on a Stamp paper for the proposed licensed premises from the owner of the premises.
- (vii) Unless the applicant produces the NOC from the PCB as required for small scale industries.

Explanation:- For the purpose of this rule -

- a) "Place of public worship" means a temple registered with the Endowment Department, Mosque registered with Wakf Board and Church and includes such other religious institutions, as the State Government may by order specify in this behalf;
- b) "Educational Institutions" means any Primary school, Middle School and High School recognized by the State Government or Central Government, Junior College or any College affiliated to any University established by law;
- c) "High Way" means National High way or State Highway and shall not include the part of the National Highway or State Highway which passes within the limits of Municipal Corporation, Municipal Council or the Gouthan in any village or Panchayat area.
- d) "Hospital" means any hospital which is managed or owned by a local authority, State Government or Central Government or any private hospital having a provision of at least thirty (30) beds.

The distances referred above shall be measured from the mid-point of the entrance of the proposed Bar premises along with the nearest path by which pedestrian ordinarily reaches to the mid-point of the nearest gate of the institution or a place of public worship, if there is a compound wall and if there is no compound wall to the mid-point of the nearest entrance of the Institution/ place of public worship or to the entrance of the first house of the predominantly residential area.

7. Persons not eligible for grant of licence:-

The following persons are not eligible for grant of licenses:-

- (i) persons below the age of twenty one years,
- (ii) persons who are undercharged insolvents or who have been convicted of offences under the provisions of the Act or the Customs Act, 1962 or Narcotics Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985) or convicted under Andhra Pradesh intoxicating liquors (Prohibition of Advertisements) Act, 1978 or convicted of non-bailable offences or are habitual offenders.
- (iii) Persons suffering from leprosy or other contagious disease only in cases where such persons have to handle the stocks of liquor or beer in premises or elsewhere personally,
- (iv) Defaulters in the payment of excise revenue to the Government.

8. Failure to comply with directions entails rejection of application:-

In case the licence holder fails to operate the microbrewery according to specifications and quality standards, the licence granted shall be liable for cancellation without compensation for any damage or loss.

9. Period of the Licence and commencement of business :-

- (1) Every Microbrewery shall be valid for one year commencing from 1st October ending with 30th September of the succeeding year, subject to payment of licence fee as prescribed.

Provided that the licence issued on or after the 1st October shall be valid up to the 30th September of the succeeding year.

Provided that a licence granted for a part of the licence period shall be valid for such period as may be specified by the licensing authority.

Provided further that every licensee shall commence his business from 1st October or such other date as may be specified in the licence and shall keep the Microbrewery open every day during the hours fixed till the expiry of the licence period with sufficient stock of draught beer unless the closure of the Microbrewery is ordered by the competent authority for the period specified.

10. License Fee:-

- (a) The licence fee shall be Rs.3,00,000/- per annum.
- (b) The licensee shall furnish a security deposit of an amount of Rs.1,00,000/- in the shape of Bank Guarantee (Form-MB-BG)/ Fixed Deposit Receipt/ Cash issued by any scheduled Bank in the name of Commissioner.

11. If a licence is surrendered in the middle of the licence period, the deposits and the Licence fee paid shall be forfeited to the Government.

12. The licence fee shall be paid into the concerned Government Treasury in the District in which the licensed premises is located.

13. Where a licence stands cancelled or suspended for any violation of the rules and conditions of licence, the Commissioner of Prohibition and Excise may order forfeiture of the deposit/ Bank Guarantee furnished by the licensee either in full or in part depending upon the nature of violation and such forfeited deposit/ Bank Guarantee shall be made good by the licensee within the time fixed by the Commissioner of Prohibition and Excise. In case the licensee fails to make good the extent of forfeited deposit/ Bank Guarantee within the time fixed the licence automatically stands cancelled.

14. Licensing authority:-

- (a) The Commissioner of Prohibition and Excise shall be competent to grant microbrewery License in the prescribed Form-2MB.
- (b) Brand Registration:-
 - (1) The licensee shall submit an application in Form.MB-1R to the Commissioner duly affixed with Court fee stamp of requisite value as per the provisions of Indian Stamp Act, 1899 and shall enclose with ten copies of each variety of brand sought to be registered.
 - (2) No application referred in sub-rule (1) shall be entertained unless the licensee remits the brand/brands fee of Rs.1,000/- (Rupees One Thousand only) and the challan in support of the payment is produced with the application.
 - (3) The licensee shall also get the brand/brands re-approved for each licensed year by paying the brand/brands fee specified in sub-rule (2).
 - (4) The Commissioner of Prohibition and Excise, on receipt of such application and after causing an enquiry, if necessary, and on being satisfied that there is no objection to approve the brand and that the conditions laid down in sub-rule (2) have been fulfilled, may approve the label in Form-MB 2R. One copy shall be sent to the Telangana State Beverages Corporation Limited and one copy shall be retained for further use by the Commissioner of Prohibition and Excise in his office. One copy shall be sent to local SHO, One copy shall be sent to Local Prohibition and Excise Superintendent

concerned, One copy shall be sent to Deputy Commissioner of Prohibition and Excise concerned, One copy shall be sent to Director of Enforcement, Telangana State, Hyderabad.

- (5) The brand/brands fee once remitted and the brand was duly approved it shall not be refunded or adjusted for any reason including withdrawal or cancellation of contract by the Telangana State Beverages Corporation Limited or non-issue of purchase orders.
- (6) The manner and the contents of the brand/brands shall be in the form as may be specified by the Commissioner from time to time.

15. Conditions of Licence.

- (i) Installed Capacity of microbrewery shall not exceed 1,000 bulk liters per day
- (ii) The draught beer so produced shall not be bottled/ sold outside the premises. The draught beer shall be served in glasses or pitchers.
- (iii) The finished product in the storage tanks is removed on site consumption as and when required.
- (iv) The shelf life of the beer manufactured in microbrewery shall be 36 hrs only.

16. The licensee shall deploy a chemist holding a degree in Science with Chemistry as one of the subject preferably:-

- (i) Organic Chemistry (or)
- (ii) Bio-Chemistry (or)
- (iii) Specialisation in Alcohol Technology.
- (iv) Must hire full time head brewer with at least 7 years industrial experience and must be certified by reputed brewing educational programme. Foreign work experience and foreign educational institutions are accepted.
- (v) The analysis report of the chemist shall be countersigned by authorized officer.
- (vi) Chemist shall be responsible for specifications and quality of the beer and safety.
- (vii) The sample from each bottle shall be sent to the Chemical Examiner for cross check.

17. An electronic flow meter shall be installed between the fermentation tanks and storage tanks and the flow meter shall be under the supervision of brewery inspector. The flow meter should be as per specifications as fixed by the Commissioner of Prohibition & Excise.

18. Excise Duty and other levies:

The excise duty shall be paid at such rates as may be specified by the Government from time to time.

50% of Excise Duty, VAT and other applicable levies chargeable per one year on the installed capacity shall be paid in advance. Payment of Excise Duty, VAT and other applicable Levies on the produced beer shall be on the basis of monthly invoice raised by Telangana State Beverages Corporation Limited.

19. Sale permitted at the licensed premises only:-

- (1) The licensee shall sell the draught beer only at the premises specified in the licence.

- (2) No change or alteration of the licensed premises shall be made during the licence period without the prior approval of the Commissioner of Prohibition and Excise.
- (3) No shifting of the licensed premises shall ordinarily be permitted during the licence period from one location to another. However, the shifting of the licensed premises under Form-2MB may be considered by the Commissioner of Proh & Excise if the shifting of the original licensed premises of Hotel and Restaurant is permitted by the local authority.

20. License and plan of the licensed premises to be exhibited:-

The proforma licence shall be exhibited in a conspicuous place in the licensed premises. The Licensee shall also exhibit the approved drawings / plan of the licensed premises for verification by the Inspecting authorities.

21. Hours of Business:-

- (1) The Licensee shall transact business along with the supply of food in the Restaurant as per the timings specified in Rule 15 of the Telangana Excise (Grant of licence of selling by bar & conditions of licence) Rules, 2005 or as notified by the Government from time to time.
- (2) These timing are applicable for 3 Star and above Hotels also
- (3) Provided further that the Commissioner of Prohibition & Excise with the approval of the Government, may bring about any change during the course of licence period in the hours of business and the licensee shall observe such changed timings accordingly.

22. Dry Days:-

The Licensed premises shall be closed and no business transacted on the following days declared as dry days:-

- | | | |
|-------------------------------|---|------------------|
| (i) 26 th January | - | Republic day |
| (ii) 15 th August | - | Independence day |
| (iii) 2 nd October | - | Gandhi Jayanthi |

Provided that the licensee shall not be entitled to any compensation whatsoever for the closure of the licensed premises.

23. Licensee not to transfer the licence without authority:-

- (1) No licensee shall except with the sanction of the Commissioner of Prohibition and Excise transfer his licence to any other person. The Commissioner of Prohibition and Excise may allow such transfer of licence on payment of the prescribed fee and on production of a certificate to the effect that no cases involving contravention of Excise Act and Rules framed there under are pending against him and also on production of Sales Tax and Income Tax clearance certificates.

Provided that instead of permitting a licence to be transferred, the Commissioner may require the transferee to take out a fresh licence on payment of fees.
- (2) The fee payable by any licensee for the privilege of having the transfer of his licence to any other person shall be 10% of the fee chargeable for grant of such licence.
- (3) Mere change in the name by keeping the entity intact does not amount to transfer of licence. In such cases the Commissioner may allow change in the trade name subject to payment of fee

of Rs. One thousand only and on production of certificates referred to in sub-rule (1) above.

- (4) When there are only two partners in the firm holding the licence and one of them withdraws or expires, the entity of the firm is changed from partnership to proprietary. It amounts to transfer of licence.
- (5) Conversion of proprietary concern into a firm or a company or a firm into a company and vice versa shall amount to transfer of licence.

24. Licensee not to declare any person to be or not to be his partner:-

No licensee shall, except with the prior permission of the Commissioner of Prohibition and Excise get any other person included as partner to his business, or get an existing partner excluded so long as the partnership nature of the business does not change.

Provided that where there was dissolution of partnership it shall be notified to the Commissioner of Prohibition and Excise.

25. On death of a licensee:-

A licence issued under these rules shall be only to the person named therein and on his death the heir or legal representative may apply for continuance of the licence for the leftover licence period in his name to the Commissioner of Prohibition and excise within thirty days of the death of the licensee. The Commissioner of Prohibition and Excise may, at his discretion, continue the licence in the name of the heir or legal representative of the deceased licensee.

26. Draught beer shall not be given or sold to certain persons:-

No draught beer shall be sold or given to the following persons namely:-

- (i) Lunatics;
- (ii) Persons known or believed to be in a state of drunkenness;
- (iii) Persons about whom it is known or suspected that they are likely to participate in the commission of sedition, insurrection, breach of peace or any other similar offence threatening public peace and tranquility;
- (iv) Employees of the Police, Proh & Excise and Railway Departments or Chauffeurs of motor vehicles while engaged in discharging their duties;
- (v) Soldiers in uniform and the camp servants of military officers in their uniform;
- (vi) Persons below (21) years of age.

27. Standard measures to be kept:-

The licensee shall use only standard measures, as may be prescribed by the Commissioner of Prohibition and Excise from time to time. The measures should be got duly stamped by the Weights and Measures Department.

28. Certain acts prohibited in the licensed premises:-

Notwithstanding any permit/ licence granted by any authority, Gambling, dancing, any other acts of disorderliness or obscenity within the licensed premises shall be strictly prohibited.

29. Harboring of certain persons prohibited:-

Persons, who are known or believed to have been convicted of any non bailable offences, who are reputed prostitutes and habitual offenders, shall not be employed nor shall they be allowed to assemble or remain in the licensed premises, and if such persons visit licensed premises the matter shall be forthwith reported to the nearest Police Station by the licensee.

30. Provision for a night watchman:-

No person other than a watchman shall be allowed to stay in the licensed premises during night time beyond the hours specified for closure of business.

31. Employment of servants:-

- (1) No women shall be employed for sale of draught beer without the special permission of the Commissioner of Prohibition and Excise. No male person shall be appointed for such a purpose without the prior permission of the Prohibition and Excise Superintendent and every such person whether male or female before being employed shall obtain from the Prohibition and Excise Superintendent, a Nowkarnama in Form-3MB, on payment of a fee of Rs.100/-.
- (2) No nowkarnama shall be granted to the following persons:
 - (i) Persons below twenty one years of age,
 - (ii) Women,
 - (iii) Persons suffering from any infectious or contagious diseases,
 - (iv) Persons of unsound mind,
 - (v) Persons who in the opinion of the Prohibition & Excise Superintendent is of a bad character,
 - (vi) Persons whose Nowkarnama or licenses have previously been cancelled within the preceding three years,
 - (vii) Persons convicted of any offence under the Andhra Pradesh Excise Act, (Act of 17 of 1968) or the Narcotics Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985) within the preceding three years.
 - (viii) Persons convicted under Section 482 to 489 of the Indian Penal Code, 1860 (Central Act 45 of 1860).
 - (ix) Defaulters in payment of an amount due to the State Government under the Andhra Pradesh Excise Act or the Rules made there under,
- (3) All illegal things done in connection with the transport, possession or sale of draught beer or known to have been done in contravention of the provisions of the Act or the rules made there under by the servants of the licensee shall forthwith be reported to the Prohibition and Excise Superintendent, by the licensee, and such orders regarding continuance or otherwise of such servants in service as may be issued by the Proh & Excise Superintendent shall be carried out by licensee.
- (4) Every act of the authorized agent or servant shall be deemed to be an act of the licensee"

32. Licensee to maintain accounts:-

The licensee shall maintain full and day to day accounts of draught beer received and disposed of in **Form-4MB**, the pages of which are machine numbered serially. He shall also maintain such other returns as may be

required by the Commissioner of Prohibition and Excise, and he shall, for each month, send monthly statements and returns before the 5th of the following months in the forms as may be fixed by the Commissioner to the Prohibition and Excise Superintendent and local Proh & Excise Inspector. All registers should be got authenticated before use by the Proh & Excise Superintendent.

33. Entries in the daily accounts register:-

The licensee shall make entries in the daily register as per the reading in the flow meter at the beginning and at the end of the day.

34. Statements of accounts to be furnished:-

The licensee shall furnish on requisition any statement of accounts, statistics or any other particulars to the licensing authority or to any other officer of the Proh & Excise Department not below the rank of a Proh & Excise Sub-Inspector.

35. Monetary transactions with officers prohibited:-

Any kind of monetary transactions unconnected with the official purpose between the licensee and the personnel of the Proh & Excise, Police, Revenue Department and the personnel of the T.S.B.C.L is strictly prohibited.

36. Officers authorized to inspect premises:-

Any officer not below the rank of an Proh & Excise Sub-Inspector may enter and inspect the licensed premises during the working hours and inspect and verify all the accounts, registers and stocks. It shall be competent for such inspecting officer to take such samples as might be necessary, or to take charge of such records and registers as might be necessary, and it shall be incumbent on the licensee to offer reasonable assistance for such inspecting officers to inspect, verify and to take samples. For any records removed from the premises, the Proh & Excise officer should give a receipt or in the alternative make an entry in the inspection book in this regard.

37. Inspection book to be maintained:-

An inspection book in Form-5MB, with machine numbered pages shall be kept in the shop for the use of the inspecting officers, and the licensee shall be responsible for the safe custody of it. The inspection book shall be the property of the Government and shall be handed over to the Proh & Excise officer concerned on expiry of the period of license.

38. License to be surrendered to the licensing authority on expiry:-

Every license granted under these rules, either jointly or severally to the licensee (s) named therein shall on its expiry be deemed to have been surrendered by the licensee to the licensing authority.

39. License to be cancelled under certain circumstances:-

If any licence or permit has been obtained by misrepresentation or by any other fraudulent means, the licence or permit so obtained is liable to be cancelled and the licensee or the permit holder is also liable for prosecution.

40. Licensee to abide by the provisions of the Act etc. -

Every holder of the license under these rules shall comply promptly with all orders or directions issued from time to time under the Act, and the rules and orders made there under and shall abide by all the conditions of the licence.

41. Suspension, withdrawal or cancellation of a licence:-

A licence may be suspended, cancelled or withdrawn in accordance with the provisions of Section 31 or 32 of the Act.

42. Removal of difficulties:-

If there is any doubt or dispute regarding the application or interpretation of any of these rules, the decision of the Commissioner thereon shall be final.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

AJAY MISRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationery & Stores Purchase, TS, Hyd.,
with a request to furnish 500 copies of each notification to the Govt.,
and Commissioner of Prohibition & Excise, TS, Hyderabad
The Commissioner of Prohibition & Excise, TS, Hyderabad
The Managing Director, TSBCL, Hyderabad

Copy to:

The Law (C) Department
The OSD to M(Proh & Excise)
The PS to Prl.Secy (CT&EX)
The PS to Addl.Prl.Secy to CM
Sf/Sc

// FORWARDED BY ORDER //

SECTION OFFICER

FORM - MB-1A

(Affix Court fee stamp of Rs.2/-)

**(Application for Prior Clearance for grant of licence for
Microbrewery/Standalone Microbrewery)**

1. Name of the Applicant
2. Full residential address
3. Details of company or partnership firm with registration particulars.
4. Details of Hotel / Restaurant etc., licence issued by competent Local authority
5. Details of plinth area of premises to be licensed and its location.
6. Details of any other licence held by him.
7. Date on which he likely to commence business
8. Details of Challan
9. Whether attached to Bar or Standalone.

I hereby declare that the particulars given above are true to the best of my knowledge and belief. If at a later stage any of the facts are found to be false the licence may be cancelled and I may be prosecuted as per the **Andhra Pradesh** Excise Act 1968.or the Rules thereunder.

I hereby, undertake to abide by the rules and licence conditions prescribed under the **Andhra Pradesh** Excise Act 1968.

Signature of the Applicant

Form-MB-2A**(Prior Clearance for Grant of License to Micro Brewery /Standalone Microbrewery)**

Cr.No.

Date:.....

Sri.....,S/o.....,R/o..... holder of a trade license for the year..... issued by.....local authority / Municipality / Municipal Corporation in the name and style of M/s Area / Locality..... At D.No..... Town/City.....is granted prior clearance for grant of license for Micro Brewery .

The grant of prior clearance shall not confer any right on the applicant for grant of license. The holder shall not claim for any compensation or loss in the event of not granting license.

Commissioner of Prohibition & Excise

To

Sri.....

Copy to the Deputy Commissioner of Prohibition & Excise.....

Copy to the Prohibition & Excise Superintendent.....

FORM - MB-1R
(Affix Court fee stamp of Rs.2/-)
(Application for Approval of brand)

1. Name of the Applicant
2. Full address
3. Details of licence held
4. If the applicant is a partnership firm
or company details thereof
5. Name of the Micro Brewery
6. Full address of Micro Brewery
7. The permission for approval of the
brand is applied for (mention the
brand name)
8. Name of the brand/brands

Signature of the Applicant

FORM - MB-2R

I, _____ Commissioner of Prohibition and Excise, Telangana State, Hyderabad
approve the following brand of _____ under Rule 14A(4) of Telangana
Rules, 2014.

Brand to be Affixed Here

This approval is given subject to the following conditions:-

1. To Micro Brewery shall maintain and furnish to the Commissioner of Prohibition and Excise the information called for if any from time to time.
2. This approval is liable to be withdrawn in the event of contravention of the provisions of Telananga State Excise Act and Rules made thereunder.

Commissioner of Prohibition and Excise

FORM - 1MB
(Affix Court fee stamp of Rs.2/-)

(Application for licence for Microbrewery/Standalone Microbrewery)

1. Name of the Applicant
2. Full residential address
3. Details of company or partnership firm with registration particulars.
4. Details of Hotel / Restaurant etc.,
licence issued by competent Local authority
5. Details of premises to be licensed
6. His capacity to invest annually,
7. Solvency of the applicant,
8. His experience in this business, if any
9. Details of any other licences held by him
10. Date on which he can commence business
11. Details of Challan

I hereby declare that the particulars given above are true to the best of my knowledge and belief. If at a later stage any of the facts are found to be false the licence may be cancelled and I may be prosecuted as per the **Andhra Pradesh** Excise Act 1968.or the Rules thereunder.

I hereby, undertake to abide by the rules and licence conditions prescribed under per the **Andhra Pradesh** Excise Act 1968 .

Signature of the Applicant

FORM – 2MB***(Licence for the manufacture and sale of draught beer by microbrewery/Standalone Microbrewery to be consumed on the premises)***

I, _____ Commissioner of Prohibition & Excise _____ in consideration of the payment of a fee of Rs. _____ (Rs. _____ only), the receipt of which is hereby acknowledged and hereby licence you _____ to *manufacture and sale of draught beer by microbrewery/Standalone Microbrewery* / on the premises _____ bearing No. _____ the details of which area as follows:-

BOUNDARIES

1. East
2. West
3. North
4. South

Locality village/ town within the marginally noted boundaries

During the licence period commencing from the 1st july, 20

And ending with the 30th june, 20____ subject to the

Following conditions and stipulations to be observed by you the said viz.,

1. The license shall be bound by the provisions of the A.P. Excise Act., 1968, Rules, notifications and orders made or issued thereunder and the Telangana Microbrewery Rules 2014.
2. The license shall observe such rules as may be prescribed by the Government or such instructions and orders as may be issued by the Commissioner from time to time in regard to the control of the manufacture possession and serving.
3. The licensee shall be bound by such orders as may be passed by the Government or the Commissioner concerning the process of manufacture to be adopted and the standards and quality of beer to be produced and served.
4. The licensee shall provide a saccharometer and a thermometer of a kind to be approved by the Commissioner for testing the gravity of wort in the Brewery. A Hydrometer shall also be provided for testing the strength of the draught Beer.
5. The alcohol content of the beers produced supplied to the customers shall not exceed 8% V/V.
6. The pH, temperature and gravities of the brews up to maturation stage should be recorded and the same is subject to inspection as and when called for by a competent authority.
7. The premises to be maintained neat and clean with proper ventilation, lighting and to meet all safety and emergency standards and the beer dispensing system including glasses, serving tables etc to be maintained hygienically at all times.
8. Periodic fumigation by certified persons of the storage facility as well as the premises to be done on a routine basis and records maintained.
9. Under no circumstances is beer to be served to under aged persons.
10. The licensee shall strictly maintain timing of beer serving to the customer between 10.00 AM and 11.00 PM.
11. The licensee is prohibited from manufacturing any of the Beers, save the ones specially instructed.

12. The account of the transactions in the Microbrewery relating to issue shall be maintained in such manner as may be required by the Commissioner.
13. No draught beer shall be sold for removal from the licensed premises.
14. The Licensee is prohibited from bottling draught beer.
15. The licensee shall maintain and furnish statistics showing the consumption of all kinds of draught beer separately to the Prohibition and Excise Superintendent.
16. The licence shall be subject to cancellation or suspension at will by the Commissioner of Prohibition and Excise.
17. The Licensee shall not act in any manner prejudicial to the interest of the revenues of the Government.

Date: Day of _____20_____

Commissioner of Prohibition & Excise.

FORM - 3MB

Nowkarnama

Date:_____

- 1) District,
- 2) Mandal,
- 3) Village
- 4) (i) Name of the Bar
(ii) Number of the licence & Date.

- 5) (i) Name of the licensee
(ii) Address,

*Here affix
Photograph, of
the agent or the
Authorised
Servant.*

- 6) (i) Name of the Agent or the authorised Servant
(ii) Date of Birth/ Age,

(iii) Father's name,

(iv) Identification Marks of the Agent or the authorized servant,

- 7) Signature or thumb impression of the Agent or the authorized servant.
- 8) Signature or thumb impression of the Licencee.

Seal:

Place:

Date: Prohibition and Excise Superintendent.

Note:-

1. The agent or the authorised servant shall sign or affix his thumb impression before the Prohibition and Excise Superintendent.
2. The Prohibition and Excise Superintendent shall attest the signature or thumb impression and also sign across the Photograph of the agent/ authorised servant under his official seal in token of its correctness,
3. The Nowkarnama shall be issued induplicate and the duplicate retained in the Office of the Prohibition and Excise Superintendent.

FORM - 4MB
DAILY ACCOUNT REGISTER

(Separate page should be set apart for each
type of liquor with an index in the front page
of the Register)

Name of the Licensee
License No. and Date

Sl.No.	Date, Month And year	Opening Stock		Receipts		Issues	
		No. of Bottles	Quarts,	No. of Bottles	Quarts,	No. of Bottles	Quarts,
1	2	3	4	5	6	7	8

Balance		No.of date of T.P. In respect of receipts Shown in col.5, 6	Signature of the Licensee	Remarks
No. of Bottles	Quarts,			
9	10			
		11	12	13

FORM - 5MB*Inspection Book*

- 1) Date of Inspection,
- 2) Time of Inspection,
- 3) Name of the Officer Inspecting with his designation,
- 4) Quantity of liquors as per stock books,
- 5) Quantity found actually in stock,
- 6) Difference if any, and the reasons given by the licensee,
- 7) General conditions of the licensed premises,
- 8) Other remarks or directions, if any,

Signature of the Officer inspecting

FORM - 6MB

(See Rule -5)

Counterpart Agreement for manufacture & sale of draught Beer by Microbrewery

(As required under Section 29 of the A.P. Excise Act, 1968)

I / We _____ S/o _____ age _____ years have severally/ jointly obtained the License in Form IL _____ under the name and style of _____ M/s _____ at premises No. _____ for the period from _____ to _____ on payment of Licence Fee/ Proportionate license fee of Rs. _____.

I/We do hereby affirm, agree and covenant with the licensing authority:

- i) That, I/ We shall be severally/ jointly responsible to abide by the terms and conditions of the License as laid down in the license in Form IL-2B dated _____. The **Andhra Pradesh** Excise (Grant of License of selling by Bar and conditions of licence) Rules, 2005 and the Telangana Microbrewery Rules, 2014.
- ii) That, I/ We shall abide by the provisions of **Andhra Pradesh** Excise Act, 1968 and the Rules and Orders there under existing and also those that would be issued from time to time.
- iii) That, I/ We shall abide by all general conditions applicable to the sale of intoxicants and also the instructions issued by the Commissioner of Prohibition and Excise, in this regard from time to time.
- iv) That, I/ We shall be bound to pay the license fee, excise duty and security deposit or any enhanced license fee, excise duty and security deposit, and the like levied from time to time.
- v) That, I/ We shall be bound to pay the penalties or privilege fee levied from time to time.
- vi) That, I/ We hereby agree that the licence is liable to be cancelled on the basis of any adverse report of investigation for any lapse which amounts to contravention of any Rule or any condition of licence or any other provision of Law and also for any conviction in any criminal case at any time either in the past or in future.
- vii) If the license is surrendered in the middle of the lease period, I/ We shall not be eligible for refund of License Fee.
- vi) That, If I/ We fail to pay the gallonage fee, Excise Duty, Penalties or Privilege fee etc., if any due to the Government on time, the license is liable to be cancelled and the entire amount so due, without prejudice to any other mode of recovery, may be recovered by way of distraining my/ our movable and immovable property whatsoever I/ We possess and selling the said properties under the Andhra Pradesh Revenue Recovery Act.

This agreement is executed in favour of the licensing authority and the said authority may enforce the above terms and conditions agreed to by me/ us.

Place

Date:

Signature of the Licensee/ Licensees.

Witnesses: 1.

2.

I certify that Sri/ Sarvasri _____s/o _____R/o.H.No._____ Name of the locality, village or town _____ is known to me / identified by Sri Sarvasri _____known to me, executed the agreement and signed before me.

Signature of the Licensing Authority
Official Designation and Seal

FORM – MB-BG**BANK GUARANTEE**

In consideration of the Governor of Telangana State hereinafter called "The Government" having agreed to exempt Sri./M/s. _____ hereinafter called "said Licensee" from the demand under the relevant rules of Telangana Micro Breweries Rules 2014 and as agreed under the terms and conditions agreed dated _____ made between Commissioner of Prohibition and Excise and said licensee for the fulfillment by the said licensee of the terms and conditions contained in the said rules and said agreement on production of a Bank Guarantee for Rs. _____ (Rupees _____).

We _____ (hereafter) (Indicate the name of the Bank) _____ referred to as "the Bank" at the request of the licensee do hereby undertake to pay the Government an amount not exceeding Rs _____ against any liability of the said licensee to the Government arising by reason of any breach of the said contract of the said rules and the agreement.

2) We _____ do hereby undertake to (indicate the name of the Bank) _____ pay amounts due and payable under this guarantee without any demur, merely on a demand from the Government. Any such demand made on the Bank shall be conclusive both as regards breach of the terms and conditions and the amount due under the rules and the contract. However our liability under this guarantee shall be restricted to an amount not exceeding Rs. _____.

3) We also undertake to pay interest at the rate of 18% for the period over and above 15 days from the date of receipt of demand of claim for payment in writing from you to the date of actual payment made by us.

4) We undertake to pay to the Government any money so demanded or notwithstanding any dispute or disputes raised by the Licensee(s) in any suit or proceeding pending before any court or Tribunal relating thereto in the absence of jurisdiction or prohibitory order, our liability under this present being absolute and unequivocal.

5) The Government is free to demand the amount guaranteed either completely or in parts as it may suit them.

The payment so made by us under this bond shall be valid discharge of our liability for payment thereunder and the licensee(s) shall have no claim against us for making such payment.

6) We _____ (indicate the name of the Bank) _____ further agree that the guarantee herein contained shall remaining in full force and effect during the period that would be taken for the performance of the said agreement and that it shall continue to be enforceable till all the dues of the Government under or its claims satisfied or charged to till _____ office/Department Minister of _____ certify that the terms and conditions of the said agreement have been fully and properly carried out by the said licensee(s) and accordingly discharge this guarantee.

7) We _____ (indicate the name of the bank) _____ further agree with the Government that the Government shall have the fullest liberty without our consent and without affecting in any manner our obligation hereunder to vary any of the terms and conditions of the said agreement or to extend time of performance by the said licensee (s) from time to time any of the powers exercisable by the Government against

the said licensee(s) and to forbear or enforce any of the terms and conditions relating to the said agreement and shall not be relieved for our liability by reason of any such variation, or extension being granted to the said licensee(s) or by any such matter or thing whatsoever which under the law relating to sureties would, but for this provision, have effect of so relieving us.

8) This guarantee will not be discharged due to the change in the constitution of the Bank or the licensees.

9) We _____(indicate the name of the Bank)_____undertake not to revoke this guarantee during its currency except with the previous consent of the Government in writing.

10) We _____(indicate the name of the Bank)_____lastly state that this guarantee will remain in force for a period of _____months from the date of execution or clearance certificate obtained from the government whichever is later.

Date the _____day of _____20

For _____(indicate the name of the Bank)